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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIE S. MOMBRUN,

Plaintiff,

-v-

THE NEW YORK HOTEL PENSION
FUND, *et ano.*

Defendants.
-----X

ORDER

22-CV-4970 (PGG) (JLC)

JAMES L. COTT, United States Magistrate Judge.

Pro se plaintiff Marie Mombrun, in her letter to the Court dated July 31, 2023, has requested the appointment of counsel (Dkt. No. 23). Mrs. Mombrun indicated in her prior letter to the Court dated April 24, 2023, that she wants to proceed with her case against the New York Hotel Pension Fund (Dkt. No. 22), but requests the Court’s assistance in obtaining a lawyer, citing the costs and difficulty of litigation.

The Court does not have a budget to pay appointed counsel in civil cases and has no power to enlist a lawyer to serve without pay. *See Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa*, 490 U.S. 296, 301–10 (1989). The Court must be mindful that “volunteer lawyer time is a precious commodity,” and “courts should not grant such applications [for appointment of counsel] indiscriminately.” *Cooper v. A. Sargenti Co.*, 877 F.2d 170, 172 (2d Cir. 1989). For the Court to order the appointment of counsel, a petitioner must make “a threshold showing of some

likelihood of merit.” *Johnston v. Maha*, 606 F.3d 39, 41 (2d Cir. 2010) (quoting *Cooper*, 877 F.2d at 174); *Carmona v. U.S. Bureau of Prisons*, 243 F.3d 629, 632 (2d Cir. 2001). Only then can the Court consider the other factors appropriate to the determination of whether counsel should be appointed: “the [petitioner’s] ability to investigate the crucial facts, . . . the [petitioner’s] ability to present the case, the complexity of the legal issues and any special reason in that case why appointment of counsel would be more likely to lead to a just determination.” *Johnston*, 606 F.3d at 42 (quoting *Hodge v. Police Officers*, 802 F.2d 58, 60–61 (2d Cir. 1986)).

At this point in the proceedings, the Court denies Mrs. Mombrun’s application for appointment of counsel without prejudice to renewal because the Court cannot conclude based on the current record that the claims are substantial or that she is likely to succeed on the merits.

However, for legal assistance Mrs. Mombrun should contact the New York Legal Assistance Group’s (“NYLAG”) Clinic for *Pro Se* Litigants in the Southern District of New York, which is a free legal clinic staffed by attorneys and paralegals to assist those who are representing themselves in civil lawsuits in this Court. The clinic is run by a private organization; it is not part of, or run by, the Court. It cannot accept filings on behalf of the Court, which must still be made by any *pro se* party through the *Pro Se* Intake Unit.

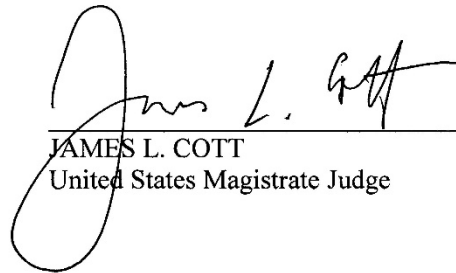
To receive limited-scope assistance from the clinic, parties may complete the clinic’s intake form on their computer or phone at: <https://tinyurl.com/NYLAG-ProSe-OI>. If parties have questions regarding the form or they are unable to

complete it, they may leave a voicemail at (212) 659-5190. The Clinic is open on weekdays from 10 a.m. to 4 p.m., except on days when the Court is closed. A copy of the flyer with details of the clinic is attached to this Order.

The parties are directed to provide a further status report to the Court **by September 30, 2023.**

SO ORDERED.

Dated: New York, New York
August 7, 2023



JAMES L. COTT
United States Magistrate Judge

Free Legal Assistance for Self-Represented Civil Litigants in Federal District Court for the Southern District Of New York

The NYLAG Legal Clinic for Pro Se Litigants in the Southern District of New York is a free legal clinic staffed by attorneys, law students and paralegals to assist those who are representing themselves or planning to represent themselves in civil lawsuits in the Southern District of New York. The clinic does not provide full representation. The clinic, which is not part of or run by the court, assists litigants with federal civil cases including cases involving civil rights, employment discrimination, labor law, social security benefits, foreclosure and tax.

To Contact the Clinic:

Call (212) 659-6190 or complete our online intake form (found here: <https://tinyurl.com/NYLAG-ProSe-OI>). A staff member will contact you within a few business days.

Those looking for assistance can also contact the clinic at the kiosk located across the hall from the pro se clinic office in the courthouse.

At this time, the clinic offers remote consultations only. Requests for in-person appointments will be reviewed on a case-to-case basis.

Location and Hours:

Thurgood Marshall United States Courthouse

Room LL22
40 Foley Square
New York, NY 10007
(212) 659 6190

Open weekdays
10 a.m. – 4 p.m.
Closed on federal and court holidays

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